

REMARKS

Claims 1-23 are presently pending. Claim 24 has been withdrawn from consideration as being directed to non-elected subject matter.

Claim 4 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Claims 1-23 stand rejected under 35 U.S.C.103 as being unpatentable over Linn in view of Murphy and Scholz.

The present invention is directed to novel antiperspirant stick compositions which, among other advantages, demonstrate less visible residue upon application than prior art products. The sticks contain, among other ingredients, a non-liquid organic ester emollient and an inert polymeric material.

Claim 4 has been amended and fully complies with 35 U.S.C. 112, second paragraph. Support for this amendment is found at page 12 lines 2-6.

The Examiner has rejected claims 1-23 as being unpatentable over the combination of Linn in view of Murphy and Scholz.

Applicant respectfully traverses this combination of references. The primary reference for this prior art rejection is Linn, which is directed to a product which contains neither a non-liquid organic ester emollient or an inert polymeric material. The absence of any teaching in Linn of those two key ingredients in Applicant's novel formulation is not cured by reliance on Murphy to teach the addition of polyethylene materials to antiperspirant compositions or by reliance on Murphy and Scholz to teach the presence of ester emollients.

As opposed to Applicant's stick product, Murphy is directed to a liquid antiperspirant composition. Accordingly, Murphy cannot be combined with Linn to demonstrate the obviousness of adding both non-liquid ester emollients and polymeric materials to a stick product. The solid nature of Applicant's stick product and the function therein of non-liquid ester emollients clearly render the teachings of Murphy inapplicable.

Similarly, Scholz, which is directed to an alcohol/water hand lotion/scrub cannot be combined with Linn to demonstrate the obviousness of adding a non-liquid ester such as is found in Scholz to Applicant's stick product.

The physical structure of stick products does not lend itself to simple substitution of the ingredients found in liquid and gel products. Absent a clear suggestion in the art that

such an addition or substitution of ingredients would be feasible, the resulting combination of ingredients cannot be deemed obvious.

CONCLUSION

Claim 4, as amended, fully satisfies 35 U.S.C. 112. Regarding the prior art rejection, inasmuch as the combination of references assembled to support the rejection of Applicant's pending claims relies on combining ingredients found in stick products (Linn) with ingredients found in liquid products (Murphy) or gels (Scholz), the combination of references cannot support the rejection of record. Accordingly, the rejection should be withdrawn, and claims 1-23 should be allowed, which allowance is respectfully requested.

Date: Dec. 16, 2013

Respectfully submitted,


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